

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAHOLY FERNANDEZ and MICHELLE ISAYEVA,
on behalf of themselves, FLSA Collective, and the Class,

Plaintiffs,

-v.-

DIAMOND BRACES, ORTHOCLUB, P.C. *d/b/a*
DIAMOND BRACES, JOHN DOE CORPORATIONS 1-100,
and OLEG DRUT,

Defendants.

22 Civ. 4575 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On June 29, 2023, Plaintiffs filed a motion for conditional collective certification and supporting papers. (Dkt. #59-64). However, there is no case management plan in place in this case, and no discovery has occurred, as Defendants filed a fully dispositive motion to dismiss. (Dkt. #50). This motion is not yet fully briefed (Dkt. #57), and if granted would obviate the need for the motion for conditional collective certification and any briefing attendant to it. As such, the Court believes that the most prudent course in this case is for the parties to wait to brief the conditional certification motion until after the Court resolves the pending motion to dismiss. Accordingly, the Court DENIES without prejudice Plaintiffs' motion for conditional collective certification. (Dkt. #59). Should the Court deny Defendants' motion to dismiss, Plaintiffs may promptly refile the motion. Likewise, if the Court denies the motion to dismiss, it will order the parties to submit a proposed case management plan.

The Clerk of Court is directed to terminate the pending motion at docket entry 59.

SO ORDERED.

Dated: June 30, 2023
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge